IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 20999 of 2007(Y)

PETITIONER:

THRIKKALATHUR SERVICE CO-OPERATIVE BANK LTD.NO.145, REPRESENTED BY ITS SECRETARY IN-CHARGE THRIKKALATHUR P.O., MUVATTUPUZHA.

BY ADV. SMT.I.SHEELA DEVI

RESPONDENTS:
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1. **REGISTRAR OF CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM.**

2. **STATE OF KERALA, REPRESENTED BY ITS SECRETARY, DEPARTMENT OF CO-OPERATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

3. **KERALA STATE RUBBER CO-OPERATIVE LTD., REPRESENTED BY ITS MANAGING DIRECTOR, RUBCO, K.V.R. TOWERS, 4TH FLOOR, MAHATMA MANDIR JUNCTION, SOUTH BAZAR, KANNUR.**

BY GOVERNMENT PLEADER SMT. M.K.PUSHAPALATHA for R1&R2
BY ADV. SRI.C.P.MOHAMMED NIAS for R3

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.20999/2007 Y

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE REQUEST MADE BY THE 3RD RESPONDENT TO THE PETITIONER BANK DTD. 3/12/2001.**

EXT.P2; **COPY OF THE ORDER O.MP(2)42089/2001 DTD. 27/11/2001.**

EXT.P3: **COPY OF THE RENEWED FIXED DEPOSIT RECEIPT DTD. 7/12/2005.**

EXT.P4: **COPY OF THE REPLY SUBMITTED BY THE 3RD RESPONDENT ON 26/04/2006.**

EXT.P5; **COPY OF THE LETTER ISSUED BY THE PETITIONER BANK DD. 27/10/2006.**

EXT.P6: **COPY OF THE REPLY DTD. 18/11/06.**

EXT.P7: **COPY OF THE REPRESENTATION DTD. 21/12/06 BEFORE THE 1ST RESPONDENT BY THE BANK.**

/TRUE COPY/

P.A.TO JUDGE

KSS

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.20999 OF 2007

Dated this the 26th day of November, 2007

JUDGMENT

The petitioner is a co-operative bank. According to it, amounts are due from the third respondent in Ext.P3 Fixed Deposit receipt. That transaction will, obviously, carry interest. The dispute between the petitioner and the third respondent in relation to the transaction is one that would clearly fall within Section 69 of the Kerala Co-operative Societies Act, 1969. Hence, the writ petition is dismissed on availability of efficacious alternate remedy.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.